

From: Boyd, Andrew
Sent time: 12/03/2015 11:39:24 AM
To: Connery, Shannon
Subject: FW: Final Special Account Agreement - attached / FMC FOIA
Attachments: FMC DRAFT Agreement and Mod to UAO for special account 12 2 15 2.pdf

From: Boyd, Andrew
Sent: Wednesday, December 02, 2015 3:49 PM
To: David Heineck (davidh@SummitLaw.com) <davidh@SummitLaw.com>
Subject: Final Special Account Agreement - attached

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:

U.S. EPA Region 10
Docket No. CERCLA-10-2103-0116

FMC Operable Unit of the Eastern
Michaud Flats Superfund Site

FMC Corporation,

Respondent.

Proceedings under Section 106(a)
and 122(b)(3) of the Comprehensive
Environmental Response, Compensation,
and Liability Act, 42 U.S.C. §§ 9606(a) and
9622(b)(3).

**AGREEMENT AND FIRST MODIFICATION TO ADMINISTRATIVE ORDER
REGARDING RESPONSE COST PAYMENTS TO BE PLACED IN SPECIAL
ACCOUNT**

1. The U.S. Environmental Protection Agency (EPA) issued Unilateral Administrative Order for Remedial Design and Remedial Action, EPA Docket No. CERCLA-10-2103-0116 (Order), to FMC Corporation as the Respondent on June 10, 2013 for FMC Operable Unit of the Eastern Michaud Flats Superfund Site (Site).
2. By letter of June 20, 2013, Respondent provided its notice of intent to comply with the Order. Respondent has been performing the Remedial Design and Remedial Action work for the FMC Operable Unit.
3. The Order provided in Section XXII on "Payment of Response Costs" that Respondent shall pay EPA all Response Costs incurred or to be incurred in connection with this Order, including the costs that EPA incurs overseeing Respondent's implementation of the Order.
4. The Respondent agrees to pay EPA all Response Costs, as defined in Section XXII of the Order, to be incurred in connection with the Order. The EPA and the Respondent agree that all EPA response costs paid by Respondent from the date of

this Agreement forward, may be deposited by the EPA in the Eastern Michaud Flats Special Account to be retained and used to conduct or finance response action at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

5. The Respondent is advised that violation of Paragraph 4 may subject it to civil penalties as provided in sections 109 and 122 of CERCLA, 42 U.S.C. §§ 9606 and 9622.
6. The scope of this Agreement is limited to the matters addressed above. All provisions of the Order remain in full force and effect to the extent not superseded by the limited terms of this Agreement. Beyond the terms of this Agreement, nothing herein changes Respondent's statements in its June 20, 2013 letter of intent, and Respondent reserves all of its rights and defenses with regard to the Order.

Agreed to by this _____ day of December, 2015.

For FMC Corporation

By: _____

Printed Name: _____

Title: _____

So Agreed and Ordered, this _____ day of December, 2015.

By: _____

Richard Albright, Director
Office of Environmental Cleanup
Region 10
U.S. Environmental Protection Agency